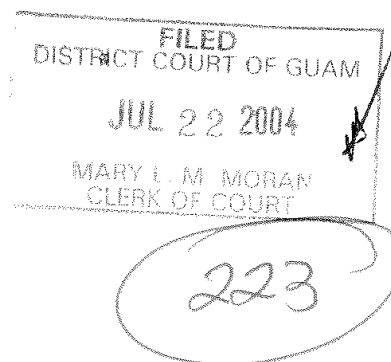


JOAQUIN C. ARRIOLA  
ANITA P. ARRIOLA  
JACQUELINE T. TERLAJE  
ARRIOLA, COWAN & ARRIOLA  
259 Martyr Street, Suite 201  
Hagåtña, Guam 96910  
Telephone: (671) 477-9730/33  
Facsimile: (671) 477-9734



Counsel for Plaintiffs Alan Sadhwani, et al.

**IN THE UNITED STATES  
DISTRICT COURT OF GUAM**

ARRIOLA, COWAN & ARRIOLA, HAGATNA, GUAM 96910

ALAN SADHWANI, LAJU  
SADHWANI, and K. SADHWANI'S  
INC., a Guam corporation,  
Plaintiffs,

vs.

HONGKONG AND SHANGHAI  
BANKING CORPORATION, LTD., a  
Foreign corporation, JOHN DOE I  
through JOHN DOE X,  
Defendants.

CIVIL CASE NO. 03-00036

**DECLARATION OF ANITA P.  
ARRIOLA IN SUPPORT OF EX  
PARTE MOTION FOR  
PROTECTIVE ORDER  
(Deposition of Laju Sadhwani)**

ANITA P. ARRIOLA, being duly sworn, depose and say:

1. I am one of the attorneys for the plaintiffs Alan Sadhwani, et al. in the above-entitled case. I make this Declaration in support of Plaintiffs' Ex Parte Motion for Protective Order. I have personal knowledge of the facts contained herein.

2. On Friday, July 16, at about 2:50 P.M. our office was served with Notice to Take the Deposition of Laju Sadhwani ("Notice") for 9:00 a.m. July 27, 2004.

3. Prior to receiving the Notice, I received no communication attempting to schedule the time, place and date for the taking of the Deposition of Mrs. Sadhwani, pursuant to Local Rule 30.1(b), for July 27, 2004.

4. I was surprised to receive the Notice for July 27, 2004 because Mr. Bronze and I had previously discussed that he would be taking the deposition of Mrs. Sadhwani in August, 2004. At no time was I informed that either he or Mr. Pipes would attempt to notice the deposition for July 2004.

5. I have recently learned that counsel for Hongkong Shanghai Banking Corporation, Ltd. ("HSBC") has refused to reschedule Mrs. Sadhwani's deposition despite the fact that she will not be returning to Guam until July 28, 2004. I was quite disturbed by this outright refusal as the correspondence between counsel for HSBC and I clearly agree to reasonably reschedule depositions of our clients.

6. On June 23, 2004, I specifically agreed to reschedule the deposition of Mr. Chris Underwood on the condition that Mr. Bronze agree to accommodate the plaintiffs schedule when he attempts to schedule their deposition. A true and correct copy of letter dated June 23, 2004 is attached hereto as Exhibit 1.

7. On June 23, 2004, I received a letter from Mr. Bronze agreeing to accommodate my clients schedule in the event of a conflict. A true and correct copy of the letter dated June 23, 2004 is attached hereto as Exhibit 2.

8. I am also disturbed by the conduct of counsel since I have made every reasonable effort to cooperate with HSBC's counsel to reschedule several depositions upon their request. Based on the request of Mr. Bronze, I rescheduled the deposition of Mr. Chris Underwood on two occasions; first, based on medical reasons of counsel - *see* Exhibit 2; and second, based on the unavailability of Mr. Underwood due to travel arrangements. A true and correct copy of the correspondence regarding Mr. Underwood's travel schedule is attached as Exhibits 3. Based on Mr. Underwood's travel schedule, I agreed to schedule his deposition for July 28, 2004. A true and correct copy of the correspondence confirming Mr. Underwood's deposition schedule is attached hereto as Exhibit 4 and 5.

9. Based on the requests of Mr. Bronze, I have also accommodated counsel's requests for various reasons, including court conflicts. A true and correct copy of letter dated July 7, 2004 is attached hereto as Exhibit 6.

10. Similarly, based on Mr. Bronze' representations on June 23, 2004, we requested a similar reschedule of Mrs. Sadhwani's deposition while she is off-island attending a family event.

11. Based on counsel's refusal to a reasonable request to reschedule the deposition of Mrs. Sadhwani, it was necessary to file the application for protective order. Plaintiffs respectfully request that the Court issue a Protective Order and Order the rescheduling of the deposition of Laju Sadhwani.

///

6714779734

I declare under penalty of perjury under the laws of Guam and the United States that the foregoing is true and correct.

Dated this 22<sup>nd</sup> day of July, 2004.

  
ANITA P. ARRIOLA

ARRIOLA, COWAN &amp; ARRIOLA, HAGATNA, GUAM 96910

## Arriola, Cowan & Arriola

Joaquin C. Arriola  
Mark E. Cowan  
Anita P. Arriola  
Joaquin C. Arriola, Jr.

259 Martyr Street, Suite 201  
C & A Building  
Post Office Box X  
Hagåtña, Guam 96910

Telephone: (671) 477-9730/3  
Telecopier: (671) 477-9734  
E-mail: [acalaw@netpci.com](mailto:acalaw@netpci.com)

Jacqueline T. Terlaje

June 23, 2004

**VIA FACSIMILE: (671) 647-7671**

Jacques G. Bronze, Esq.  
Bronze & Tang, P.C.  
2nd Floor, BankPacific Building  
825 S. Marine Drive  
Tamuning, Guam 96913

**Re: Sadhwani et al. v. Hongkong Shanghai Banking Corporation, Ltd., et.al,  
District Court of Guam, Civil Case No. CV03-00036**

Dear Jacques:

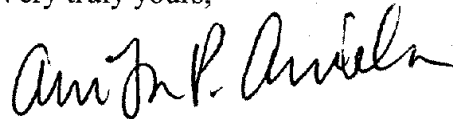
This is in response to your letter of today.

You have failed to provide me with information concerning your medical condition and I am highly skeptical that you are suffering from any condition that renders you incapable of defending your client's deposition.

Nonetheless, in order to save time and further attorneys fees, I will agree to accommodate your request to reschedule Mr. Underwood's deposition on two conditions: (1) that you will agree to pay the cancellation fees for the court reporter and the videographer for Mr. Underwood's cancelled deposition; and (2) that you will agree to accommodate my schedule and the schedule of my clients Mr. & Mrs. Sadhwani when you attempt to notice their depositions.

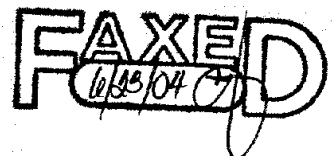
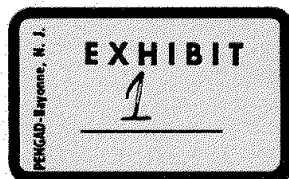
Please inform me immediately if you agree to these conditions.

Very truly yours,



ANITA P. ARRIOLA

APA/ctt



LAW OFFICES  
**BRONZE & TANG**  
A PROFESSIONAL CORPORATION  
BANKPACIFIC BUILDING, 2ND FLOOR  
825 SOUTH MARINE CORP DRIVE  
TAMUNING, GUAM 96913

JACQUES G. BRONZE  
JERRY J. TANG

TELEPHONE: (671) 646-2001  
TELECOPIER: (671) 647-7671

June 23, 2004

**VIA: FACSIMILE**  
**(671) 477-9734**

Anita P. Arriola, Esq.  
ARRIOLA, COWAN & ARRIOLA  
Suite 201, C&A Professional Bldg.  
259 Martyr Street  
Hagåtña, Guam 96910

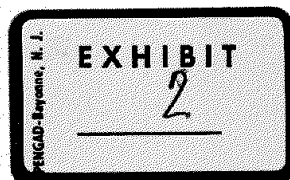
Re: Sadhwani, et al. v. HSBC, et al.; District Court of Guam Civil Case No. 03-00036

Dear Anita:

I am in receipt of your letter dated June 23, 2004.

In regards to my medical condition, I have been referred by my physician for further medical tests at Guam Radiology Consultants. Since you are not the one experiencing the pain, I can understand how you are incapable of understanding that sitting for seven hours of deposition results in the pain being more aggravated than it is now.

The third paragraph of your letter runs contrary to your letter of June 22, 2004. Now, there are additional strings attached. Based on Richard A. Pipes' letter, my office agreed to pay the cancellation fees for the court reporter and the videographer for Mr. Underwood's deposition which was scheduled for June 17, 2004. There was certainly no agreement to accommodate your schedule or the schedule of your clients. Moreover, what the meaning of "accommodate" to you may be different to me if it is materially prejudicing my client. I do not believe that delay of the deposition of Mr. Underwood materially prejudiced your client in any way since the discovery cut-off is set for August 17, 2004. Obviously, if you have a conflict when we notice your clients' depositions, then, we are willing to accommodate you unless HSBC will be prejudiced. Similarly, if you claim to be ill, I will not be unreasonable to require you to attend at any deposition despite the fact that you are a partner in a large firm. The same will apply to your clients to the extent that it does not materially prejudice HSBC in any way. If your clients will



APD/AB/ST  
JUN-23-2004 04:45PM FAX: 671-6477671

ID: ARRIOLA COWAN & ARRIOLA PAGE: 002 R=95%

Anita P. Arriola, Esq.  
ARRIOLA, COWAN & ARRIOLA  
June 23, 2004  
Page 2

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claim to be ill, they will have to provide a statement from a doctor regarding their medical conditions. Please note that the delay in the deposition did not arise because of my client, but rather because of me.

I look forward to hearing from you.

Best regards,

  
JACQUES G. BRONZE

cc: Mr. C. Underwood

JGB:tc

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Law Offices Of  
Richard A. Pipes  
BankPacific Building, Suite 201  
825 South Marine Drive  
Tamuning, Guam 96913  
Phone-(671)646-2001, Fax-(671)647-7671  
E-mail: [pipeslaw@guam.net](mailto:pipeslaw@guam.net)

July 2, 2004

**VIA FACSIMILE**

Anita P. Arriola, Esq.  
Arriola, Cowan & Arriola  
259 Martyr Street, Suite 201  
Hagatna, Guam 96910

Re: Sadhwani, et al. v. HSBC

Dear Ms. Arriola:

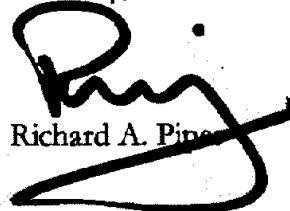
Mr. Bronze has asked that I respond to your letter of July 1, 2004, regarding Mr. Underwood's deposition.

What your letter fails to do is provide us with a reason why you abruptly "canceled" Mr. Underwood's deposition, with less than 24 hours notice, after you have asserted to the Court, *ad nauseam*, that your office needs to immediately take his deposition. Why did you cancel the deposition that was set for June 30?

Assuming you provide us with a satisfactory explanation of why you canceled the deposition, we can make Mr. Underwood available for his deposition on July 28. Mr. Underwood will be off-island on June 12.

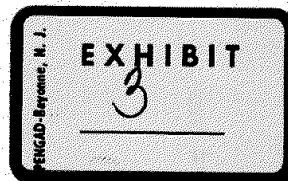
Your expeditious response will be appreciated. Should you have any questions, please contact me.

Sincerely,

  
Richard A. Pipes

cc: Chris Underwood

RAP/nsh/HSBC/cor



APA O/B 7/6

JUL-02-2004 04:29PM FAX:671-6477671

Case 1:03-cv-00036 Document 236

FILED 07/22/2004 Page 8 of 11 ID: APTLOACOLIAN8ARRIOLA PAGE: 002 R=95%



LAW OFFICES

*Arriola, Cowan & Arriola*

JOAQUIN C. ARRIOLA  
MARK E. COWAN  
ANITA P. ARRIOLA  
JOAQUIN C. ARRIOLA, JR.

JACQUELINE T. TERLAJE

259 MARTYR STREET, SUITE 201  
C & A BUILDING  
HAGÁTÑA, GUAM 96910

MAILING ADDRESS:  
P.O. BOX X  
HAGÁTÑA, GUAM 96932  
TELEPHONE  
(671) 477-9730/3  
TELECOPIER  
(671) 477-9734  
E-MAIL  
acalaw@netpci.com

July 5, 2004

**VIA FACSIMILE: 647-7671**

Law Offices of Richard A. Pipes  
BankPacific Building, Suite 201  
825 South Marine Drive  
Tamuning, Guam 96913

RE: Sadhwani, et al. v. HSBC

Dear Richard:

This is in response to your letter of July 2, 2004. I cancelled the deposition of Chris Underwood for two reasons.

First, I was engaged in preparing and filing a complaint and ex parte motion for temporary restraining order on behalf of the Sadhwanis against Paradise Marine Corporation, which was filed on June 30 in Superior Court. You were present at the hearing on the ex parte motion on Friday, July 2.

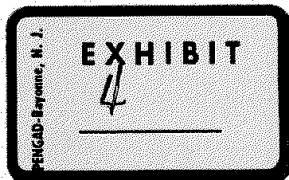
Second, and more importantly, I spend part of June 30 at my home, retrieving clothing and other belongings for me and my family, and securing my home. We were evacuated by Civil Defense on June 27 in the middle of the typhoon due to a landslide that hit the house three doors down from us. Early Monday morning the landslide hit the two houses immediately adjacent to my home, stopping 5-6 feet from my yard. I spent a good part of June 30 discussing with EPA, DPW and Civil Defense engineers the results of soil and other investigations to determine whether and when we could move back into the house.

I trust that this answers your questions. I will make arrangements to take the deposition of Mr. Underwood on July 28.

Very truly yours,

*Anita P. Arriola*

ANITA P. ARRIOLA



**FAXED**  
7/5/04

LAW OFFICES  
**BRONZE & TANG**  
A PROFESSIONAL CORPORATION  
BANKPACIFIC BUILDING, 2ND FLOOR  
825 SOUTH MARINE CORP DRIVE  
TAMUNING, GUAM 96913

JACQUES G. BRONZE  
JERRY J. TANG

TELEPHONE: (671) 646-2001  
TELECOPIER: (671) 647-7671

July 7, 2004

**VIA: FACSIMILE**  
**(671) 477-9734**

Anita P. Arriola, Esq.  
ARRIOLA, COWAN & ARRIOLA  
Suite 201, C&A Professional Bldg.  
259 Martyr Street  
Hagåtña, Guam 96910

Re: *Sadhwani, et al. v. HSBC*

Dear Anita:

This letter serves to memorialize our conversation of July 6, 2004, in which you agreed to the deposition of John Lee set for July 16, 2004, and July 20, 2004, for the deposition of Laura Dacanay. If that is not your understanding, please advising in writing immediately.

In regards to the deposition of Chris Felix, please be advised that the deposition will take place at the Law Library conference room due to the fact that my office's air-con is down.

In addition, please be advised that Mr. Underwood is not available for your proposed deposition date of July 29, 2004. As stated to you by Mr. Pipes, Mr. Underwood is available on July 28, 2004.

In reference to your letter of today's date relating to Judge Manibusan's Order of May 27, 2004, please be advised that I will deliver the documents you are of the position are inclusive of the Judge's Order no later than July 13, 2004.

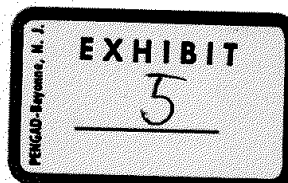
Please feel free to contact me if you have any questions regarding the above matter.

Best regards,

  
JACQUES G. BRONZE

cc: Mr. Chris Underwood

JGB:tc



LAW OFFICES  
**BRONZE & TANG**  
A PROFESSIONAL CORPORATION  
BANKPACIFIC BUILDING, 2ND FLOOR  
825 SOUTH MARINE CORP DRIVE  
TAMUNING, GUAM 96913

JACQUES G. BRONZE  
JERRY J. TANG

TELEPHONE: (671) 646-2001  
TELECOPIER: (671) 647-7671

June 7, 2004

**VIA: FACSIMILE**  
**(671) 477-9734**

Anita P. Arriola, Esq.  
**ARRIOLA, COWAN & ARRIOLA**  
Suite 201, C&A Professional Bldg.  
259 Martyr Street  
Hagåtña, Guam 96910

Re: Sadhwani, et al. v. HSBC, et al.; Civil Case No. 03-00036 – Deposition of Messrs.  
Underwood and Granillo

Dear Anita:

I am in receipt of your letter regarding scheduling the aforementioned depositions. Please be advised I am not available on June 14, 2004, due to the fact that I have a 10:00 a.m. hearing before the Guam Supreme Court. I am also unavailable on the morning on June 15, 2004, due to two (2) pending foreclosures, however, I will attempt to get Jerry Tang to cover these two (2) foreclosures. Thus, I am requesting that we have the deposition for Mr. Granillo on that date. Mr. Underwood is not available on June 16, 2004 and will make himself available on June 17, 2004. Please advise in writing if the above is acceptable.

Please feel free to contact me if you have any questions regarding the above matter.

Best regards,

  
JACQUES G. BRONZE

cc: \*Mr. C. Underwood  
\*Mr. F. Granillo

JGB:tc

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